

15541 U.S. PTO
07/24/03

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR §1.10 on the date indicated below and addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Barbara McBrayer
Printed Name

Barbara McBrayer
Signature

EL439619728US
Express Mail" Mailing Label No

July 24, 2003
Date of Deposit

Cygnus Docket 0235.06
Serial No: 1.53(b) of 09/911,341
PATENT

08306 U.S. PTO
10/626896
07/24/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Timothy C. DUNN, et al.

Examiner:
C. Chin

Serial Number: 1.53(b) of 09/911,341

Group Art Unit:
1641

Filed: Even date herewith

For: METHOD AND DEVICE FOR PREDICTING
PHYSIOLOGICAL VALUES

REQUEST FOR FILING A CONTINUATION APPLICATION

Box Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a X continuation divisional application under 37 CFR §1.53(b) of pending prior application Serial No. 09/911,341 filed on July 23, 2001, for Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE, and Charles W. WEI, for METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES.

1. X Enclosed is an application filed under 37 CFR §1.53(b)(1). No new matter has been added.
2. Enclosed is a copy of the verified statement of small entity status.

3. Cancel in this application the original claims 10-14 and 20-24 of the prior application (without prejudice and without disclaimer) before calculating the filing fee. Thus, claims 1-9 and 15-19 are pending.

4. The filing fee is calculated below:

A. Basic Application Fee		\$750.00
B. Total Claims (14-20= 1)	x \$18	\$0.00
C. Independent Claims (2-3=0)	x \$80	\$0.00
D. If multiple claims present, add		\$270
E. Total Application Fee		<u>\$750.00</u>
F. If verified statement of Small Entity enclosed, reduce Total Application Fee by 50%		\$0.00
G. Application Fee Due		\$750.00
H. Assignment Recording Fee of \$40 if assignment document is enclosed	\$40	\$0.00
TOTAL FEE		<u>\$750.00</u>

5. The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 03-4058. This, however, is not authorization to pay the issue fee.

6. A check to cover the \$ _____ application fee is attached.

7. The inventors of the invention being claimed in this application are: Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHKO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE, and Charles W. WEI.

8. This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR § 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

9. X Amend the specification as follows:

On page 1 please replace the paragraph at lines 4-11 as follows:

~~This application is a continuation-in-part of U.S. Patent Application Serial No. 09/241,929, filed 1 February 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 09/198,039, filed 23 November 1998, which is a continuation-in-part of U.S. Patent Application Serial No. 09/163,856, filed 30 September 1998, all applications are herein incorporated by reference in their entireties.~~

This application is a continuation of U.S. Patent Application Serial No. 09/911,341, filed 23 July 2003, now allowed, which is a continuation of U.S. Patent Application Serial No. 09/405,976, filed 27 September 1999, now U.S. Patent No. 6,326,160, which is a continuation-in-part of U.S. Application Serial No. 09/241,929, filed 1 February 1999, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 09/198,039, filed 23 November 1998, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 09/163,856, filed 30 September 1998, now U.S. Patent No. 6,180,416; priority is claimed to all these applications under 35 USC §120, and all applications are herein incorporated by reference in their entireties.

10. Transfer the drawings from the pending prior application to this application and abandon said application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by a person authorized by §1.138 and before payment of issue fee.)

11. X New formal drawings (Figures 1A-10B) are enclosed.

12. X The prior application is assigned of record to Cygnus, Inc.

13. A preliminary amendment is enclosed.

14. X Also enclosed:

- a) Power of Attorney and copy of Assignment;
- b) Communication;
- c) Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account;
- d) Information Disclosure Statement and Form 1449; and
- e) Copy of Declaration for Patent Application.

15. X Address all future communications to:

Barbara G. McClung
Cygnus Inc.
Intellectual Property Dept.
400 Penobscot Drive
Redwood City, CA 94063
Telephone: 650-599-2527
Facsimile: 650-599-3913

Respectfully submitted,

Gary R. Fabian
Gary R. Fabian
Agent for Applicant
Registration No. 33,875

Date: 24 July 2003

Cygnus, Inc.
400 Penobscot Drive
Redwood City, CA 94063
Phone 650-369-4300
Fax 650-599-3913

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BLANKET PETITION FOR EXTENSION OF TIME AND
AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

If a paper is untimely filed in this application or any continued prosecution application derived therefrom by Applicant(s) or his/her/their representative, the Commissioner is hereby petitioned under 37 CFR § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR § 1.17(a)-(d) to Deposit Account No. 03-4058. This, however, is not authorization to pay the Issue Fee.

If a paper is concurrently or subsequently filed in this application or any continued prosecution application derived therefrom by Applicant(s) or his/her/their representative and a fee under 37 CFR §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner

is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 03-4058. This, however, is not authorization to pay the Issue Fee.

Dated: 24 July 2003

Respectfully submitted,

By :

Gary R. Fabian

Gary R. Fabian
Agent for Applicants
Registration No. 33,875

Cygnus, Inc.
400 Penobscot Drive
Redwood City, CA 94063
Phone (650) 369-4300
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COMMUNICATION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in the process of preparing a Preliminary Amendment in the above-identified continuation application. The Examiner is respectfully requested to contact the unersigned at 650-599-3994 before taking any action in this case.

Respectfully submitted,

Gary R. Fabian
Gary R. Fabian
Agent for Applicants
Registration No. 33,875

Date: 24 July 2003

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400 Penobscot Drive
Redwood City, CA 94063
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SUBMISSION OF FORMAL DRAWINGS

Attn: Official Draftsman
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find the following:

1. Nine (9) sheets of formal drawings filed in connection with the above-identified application
2. Certificate of Express Mailing; and
3. Return Receipt Postcard.

It is believed that no fee is due. If for any reason a fee is found to be necessary, Deposit

Account 03-4058, Ref. 0235.06 may be charged therefor. This, however, is not authorization to pay the Issue Fee.

Respectfully submitted,
Cygnus, Inc.

Dated: 24 July 2003

By: Gary R. Fabian
Gary R. Fabian
Agent for Applicants
Registration No. 33,875

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